

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-16, and 26-28 are pending in the application, with 1, 10, 11, and 26 being the independent claims.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Other Matters

Claims 1, 3-11, 13-16 and 26-28 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,413,387 to Shi *et al.* ("Shi") in view of U.S. Patent No. 5,468,363 to Falabella ("Falabella"). The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other.

Claims 2 and 12 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of Shi in view of Falabella and further in view of U.S. Patent No. 5,458,754 to Sathrum. The Examiner states that although the conflicting claims are not identical, they are obvious to one of ordinary skill in the art in view of Shi combined with Falabella and Sathrum.

The Examiner states that a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with the present application. See 37 C.F.R. § 1.130(b).

The present application and Shi are commonly owned by Filplas Vacuum Technology PTE, Ltd. A terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) is attached hereto. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-16 and 26-28.


Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Albert L. Ferro
Attorney for Applicants
Registration No. 44,679

Date: January 16, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600